

**TESTIMONY OF DOMENICK MIRETTI
BEFORE THE
SUBCOMMITTEE ON ENERGY POLICY,
NATURAL RESOURCES AND REGULATORY AFFAIRS
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My name is Domenick Miretti. I am a professor at East Los Angeles College, and director of International Commerce and Career Center. I am equally proud to be a longshoreman and an active member of the International Longshore and Warehouse Union (known as the "ILWU") for 52 years, which since 1934 has been chosen by the thousands of West Coast port and dock workers to represent us in all matters related to our employment. Our union, the ILWU, presently represents about 60,000 working men and women, not just in the longshore and maritime industry, but also in warehouse, hotel-restaurant, health care, mining, office clerical and a variety of other industries in California, Oregon, Washington, Alaska, Hawaii and Canada. I am honored that my union appointed me to be ILWU's liaison to the Ports of Los Angeles and Long Beach where I have served for 19 years.

Before going further, I want to thank you, Chairman Ose, and the entire Subcommittee for the opportunity to share with you my views concerning port security. For many of us on the docks, port security is not just one among many issues on the post 9-11 American agenda. For us, port security is a matter by which we, our families and our port communities live and possibly may die every single day.

If you can imagine unloading thousands of containers, each filled with unknown items packed by unknown people at any and all locations throughout the world, and virtually none of these containers or ships go through any security screening before you, the longshoreman, work the ship, then you can begin to appreciate the risks and fears we face every day and understand why port security is our absolute, top concern. Working these foreign flag ships is like boarding an airplane, owned, operated and crewed by foreign nationals, a plane loaded with luggage from countless places and the luggage, for the most part, has never, ever been inspected! And one wonders, will it explode? Am I being exposed to some poison or bio-weapon infecting not just me but my family, friends and neighbors? We hope you know that the members of the ILWU are committed to making our ports and surrounding areas safe, secure, and free of criminal or terrorist activities. It is a simple matter of survival for us.

And we hope you can also appreciate that our views on port security are formed by actual, hands-on experience. We know better than just about anyone how ports and commercial docks operate and what are real, and what are imagined security problems. It is in this context that we present our views today and urge that Congress and the Administration provide for effective, not cosmetic, security measures to protect our ports and port workers.

As you know, the Maritime Transportation Security Act was passed and signed into law last year after Senator Hollings dropped his insistence that a user fee pay for the necessary security enhancements to our ports. The Coast Guard is developing implementing regulations that will soon be published. The U.S. Customs Service wisely forced the industry to submit manifests 24 hours before loading cargo destined for a U.S. port. The maritime industry is asking Congress and the Administration to provide the funds to meet the mandates of the legislation. Funding is an important issue, but frankly, the industry has failed to change its business practices to meet the security needs of the country, and they continue to resist implementing common-sense changes to business practices that would make a real difference in securing the port.

For example, the business practices subcommittee of the container security working group, a private sector advisory committee moderated by Anthony Furst, Transportation Security Administration specialist, recommended business practices that would enhance security. The subcommittee recommended that empty containers be inspected prior to entering a marine facility and again before the empty container is loaded on conveyance. Many countries, including Japan, require such inspections because of the increased risk that these empty containers pose for the placement of bombs, weapons and contraband. The United States expects other countries to follow this common sense, affordable procedure, to ensure the safety of empty containers yet our own industry continues to resist this practice because they have chosen higher profits over the security of the nation. One terminal operator, Stevedoring Services of America, which operates the terminal for Chinese Ocean Shipping Company refuses even to inspect empty containers as they enter the terminal, much less inspect them a second time.

Mr. Furst addressed the security working group of the Marine Transportation System National Advisory Council and reiterated that the subcommittee recommended that empty containers be inspected twice at a marine terminal. Yet the industry continues to ignore this common-sense recommendation to enhance container security.

The containers on vessels and in port facilities need to be subject to some type of security screening to protect U.S. seaports and international maritime commerce. Longshore workers have the experience, training and knowledge to provide the type of security screening that would greatly enhance the security of our ports. Port workers who receive containers should be assigned to **inspect the integrity of the outside seal** on each container. A broken seal would alert the port facility that the container has been tampered and that it needs to be carefully inspected before entering a facility or being placed on a vessel. A systematic check of container seals also provides authorities with a record as to the parties responsible for placing the seal on any container that may be the means of a terrorist act.

Forty-seven warheads shipped from Europe and destined for U.S. Department of Defense use were discovered by the U.S. Coast Guard on a foreign owned and foreign crewed containership at the Port of New York/New Jersey before the government allowed the vessel to dock two days later, according to a story written by John McLaughlin and

published in the April 8, 2002 edition of Lloyd's List. McLaughlin's investigative report said the warheads were discovered by the Coast Guard boarding party in an on-deck container after **noticing that its safety seal appeared to differ from the one put on the box when it was loaded.** It was serendipity that allowed the Coast Guard to catch this breach of national security. Longshore workers stand ready to assist the authorities in the inspection of every seal on every container that moves through the Ports of Los Angeles/Long Beach.

Our employers must also work with trucking companies to ensure that operations related to pickups and deliveries are safer and more secure. For example, today truckers have access to the entire terminal and have ample opportunity to commit a destructive act. The terminal operators should set up secure "staging areas" at the entrance of each terminal to protect the terminals and vessels from any possibility of attack by a truck.

Regulations should require security clearance requirements for all vessels, their owners, and operator and crew before being allowed to enter a U.S. port. Presently, these vessels operate under secrecy and without regulations by the scheme of flying the flag of a country that lacks any meaningful regulations and scrutiny. The London Times reported that the terrorist group, Al Qaeda, presently operates dozens of flags of convenience ships. One of Osama bin Laden's ships was reportedly used to transport weapons to Africa for the purpose of blowing up the U.S. embassy in Kenya. Regulations must require transparency in ship ownership.

As a general matter of policy, the ILWU membership opposes background checks on any workers. During the investigation of the Interagency Commission on Seaport Security (the Graham Commission) the ILWU challenged the Commission to prove their assertion that internal conspiracies are a problem at many of our nation's ports. We asked them for an example of an internal conspiracy to commit crimes involving ILWU longshore workers. They could not produce one example of ILWU workers at our nation's ports involved in criminal conspiracies. Not one. In fact, the only involvement our members have with serious criminal activity is reporting to authorities suspicious activities and cargo. In previous testimony before the Senate Commerce, Science and Transportation Committee, we pointed out that the actions of one longshore worker at the Port of Tacoma led to the largest cocaine seizure in the Port's history

Obviously, the majority of members of Congress disagreed with our position and passed legislation that required criminal background checks on individuals with access to secure areas. Workers would be issued Transportation Worker Identification Cards. We recommend that regulations require the highest level of privacy for individuals who are subjected to federal background checks and that the TWIC card be used for positive identification security purposes only. Based on the employers' own statements, we have concerns that the Pacific Maritime Association will use the information on cards for purposes that should be in the venue of collective bargaining.

I was appalled to hear that American President Lines recently fired its experienced security guards and hired other personnel to handle security on the docks. Security

guards have not been adequately trained, nor equipped to help secure the ports from acts of terrorism. We assume that APL fired security guards so that they could hire lower paid and less qualified workers. This is wrong in terms of workers rights and it is so wrong in terms of the security of our nation. These ports need more security guards that are trained, well-paid, and professional. Some of the problems that the ILWU has cited when adequate staffing and training standards are not enforced include:

- Unauthorized pedestrians enter waterfront facilities with little interference through employee turnstiles, parking areas and unattended gates.
- Unauthorized persons embark upon vessels because there are no requirements for terminal operators to provide gangway security.
- Unauthorized persons enter terminals where there is insufficient gate security to handle the traffic on entry lanes for both truck and vehicular traffic and also exit lanes simultaneously.
- Some terminal operators may have only one security officer for an entire facility, leaving the operation vulnerable in numerous areas.
- Rail gates and rail operations will require greater security. As rail operations increase so will the opportunity for stowaways and other unauthorized activity.

I believe the Congress erred in the Maritime Transportation Security Act by allowing terminal operators to draft their own security plans rather than allowing the Coast Guard in conjunction with the local port security committees to write the facility security plans. The terminal operators have shown a propensity to cut corners on security if it means increased productivity and profit. It is incumbent that the local port security committees have an enhanced role to review security plans and ensure that operators actually institute security and change business practices so that our ports will be as secure as feasibly possible.

Finally, Congress can help the maritime industry deal with the costs associated with security mandates by funding infrastructure improvements around our ports. For over ten years, Long Beach has been pleading for improvements to the one, single freeway that acts as both the only artery into and out of the port, as well as the only citizen access into Long Beach. The 710 Freeway is a small 6-lane artery that has not been significantly improved for decades. Yet the Port of Long Beach has seen truck traffic double and triple every couple of years. The freeway is choked with traffic between the hours of 8:00 am and 5:00 pm, unable to accommodate residents and visitors because of unbelievable bumper to bumper, 5 mph truck congestion. Infrastructure investments can make our port communities more productive and more secure.

Thank you for allowing me to testify today. I would be pleased to answer any questions from the Committee.

